

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMON PROPERTY GROUP, L.P.,

Plaintiff,

-against-

21-cv-7850 (PKC)

ORDER

U.S. BANK NATIONAL ASSOCIATION.,

Defendant.

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CASTEL, U.S.D.J.

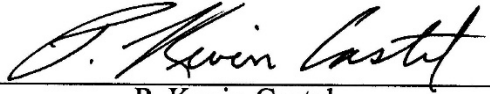
The parties to this action have agreed that this action is to be tried to the Court without a jury. At a pre-trial conference held today, the parties also agreed that because each side anticipates that its damages on the claim or counterclaim will consist only of attorneys' fees and costs, the application for damages will be submitted to the Court in writing in the manner customary for an application for attorneys' fees and costs by a prevailing party. Accordingly, the Court will only decide the issues of liability at the bench trial and determine damages, i.e., attorneys' fees and costs, solely on the basis of written submissions.

The following is the schedule on Final Pre-Trial Submissions and the Final Pre-Trial Conference:

1. SPG will submit its trial brief, direct testimony by affidavit and any exhibits for its case in chief by August 19, 2022.
2. U.S. Bank will submit its response to SPG's case in chief and U.S. Bank's case in chief on its counterclaim, including its trial brief, direct testimony by affidavit and any exhibits by September 2, 2022.

3. SPG may submit a rebuttal to U.S. Bank's response to SPG's case in chief and SPG's response to U.S. Bank's case in chief on its counterclaim by September 16, 2022.
4. U.S. Bank may submit a rebuttal to SPG's response to U.S. Bank's case in chief by September 23, 2022.
5. The parties shall file the Joint Pre-Trial Order by September 30, 2022 and transmit a copy in MS Word format to Chambers.
6. The Final Pre-Trial Conference will be held on October 25, 2022 at 2 p.m. in Courtroom 11D.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 22, 2022